

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KEEGAN GABRIEL BAKER,	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 21-CV-4615
	:	
CO' CROOKUS, et al.,	:	
Defendants.	:	

ORDER

AND NOW, this 1st day of December, 2021, upon consideration of Plaintiff Keegan Gabriel Baker's Motion to Proceed *In Forma Pauperis* (ECF No. 5), Prisoner Trust Fund Account Statement (ECF No. 6), and *pro se* Amended Complaint (ECF No. 4), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Keegan Gabriel Baker, #NX-3579, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of SCI Chester or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Baker's inmate account; or (b) the average monthly balance in Baker's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Baker's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's

income credited to Baker's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Superintendent of SCI Chester.

4. The Amended Complaint is **DEEMED** filed.

5. For the reasons stated in the Court's Memorandum, Baker's claims against Defendants Crookus, Stewart, Patton, Valasquez, Bocco, Captain Eason, Superintendent Eason and Morris are **DISMISSED WITHOUT PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Baker's deliberate indifference to medical needs claim against Defendant Strawther are **DISMISSED WITHOUT PREJUDICE**, but his excessive force claim against Strawther may proceed at this time.

6. The Clerk of Court is **DIRECTED** to send Baker a blank copy of the Court's standard form complaint for prisoners to use to file a complaint bearing the above civil action number.¹

7. Baker is given thirty (30) days to file a second amended complaint in the event he can allege additional facts to cure the defects in the claims the Court has dismissed. Any second amended complaint shall identify all defendants in the caption of the second amended complaint in addition to identifying them in the body of the second amended complaint, shall state the basis for Baker's claims against each defendant, and shall bear the title "Second Amended Complaint" and the case number 21-4615. If Baker files a second amended complaint, his second amended complaint must be a complete document that includes all of the bases for Baker's claims,

¹ This form is available on the Court's website at <http://www.paed.uscourts.gov/documents/forms/frmc1983f.pdf>.

including claims that the Court has not yet dismissed if he seeks to proceed on those claims.

Claims that are not included in the second amended complaint will not be considered part of this case. This means that if Baker wants to proceed on his excessive force claim against Strawther in a second amended complaint, he must reallege the claim in full in the second amended complaint. When drafting his second amended complaint, Baker should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum. Upon the filing of a second amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

8. If Baker does not file a second amended complaint the Court will direct service of his Amended Complaint on Defendant Strawther only so that Baker may proceed on his excessive force claim. Baker may also notify the Court that he seeks to proceed on this claim rather than file a second amended complaint. If he files such a notice, Baker is reminded to include the case number for this case, 21-4615.

9. The time to serve process under Federal Rule of Civil Procedure 4(m) is **EXTENDED** to the date 90 days after the Court issues summonses in this case if summonses are issued.

BY THE COURT:

/s/Joel H. Slomsky, J.

JOEL H. SLOMSKY, J.